

### **Overview**

In general terms, a wireless facilities permit application is a formal request to allow “the installation, operation, collocation, modification and removal of wireless facilities in the City of Brentwood in a manner that protects and promotes public health, safety and welfare, and balances the benefits that flow from robust wireless services with the unique historic character, aesthetics and local values of the city” (BMC 17.795.010.A). An application for a wireless facilities permit is not necessary for improvements that are covered under Section 6409(a) of the Middle Class Tax Relief Act of 2012. A wireless facilities permit may be approved with various conditions of approval. There are three types of wireless facilities permits approved by the City, as follows:

1. *Conditional Wireless Facilities Permits.* Applications for conditional wireless facilities permits are required for any new facilities and collocation or modifications to existing facilities that constitute unconcealed facilities, facilities in discouraged locations, camouflaged facilities in preferred locations, and all other facilities that do not meet the criteria for an administrative wireless facilities permit or a Section 6409(a) collocation/modification permit. Conditional wireless facilities permit applications are considered concurrently with any other required entitlement application submitted to the city, such as a variance. Approval authority of conditional wireless facilities permit applications rests with the Planning Commission and, upon appeal, the City Council. Staff and the Planning Commission have the ability to develop a set of conditions to ensure adherence to applicable City ordinances, standards, and guidelines; improve the design of the facility; or minimize any impacts before authorizing the facilities. The permit is granted on the land for a period of ten years. A wireless facilities permit may be revoked for noncompliance or other reasons cited in the permit, subject to notice and a hearing. See Chapter 17.795 of the Brentwood Municipal Code for more information related to wireless facilities permits.
2. *Administrative Wireless Facilities Permits.* Applications for administrative wireless facilities permits are required for any new facilities and collocations or modifications to existing facilities that are comprised of stealth facilities in preferred locations and all stealth and camouflaged facilities in the public rights-of-way. The approval is considered administrative since it is reviewed by City staff only, and not the Planning Commission or City Council. See Chapter 17.795 of the Brentwood Municipal Code for more information related to wireless facilities permits.
3. *Accessory Wireless Use Permits.* The Community Development Director is authorized to develop standards and other regulations for the classification of certain wireless facilities as an accessory use subject to administrative zoning clearance rather than a conditional wireless facilities permit or an administrative wireless facilities permit. Standards and regulations for accessory wireless use permits must be established by the Planning Commission and must meet the definition of a stealth facility unless the proposed facility is located in the public right-of-way, all non-antenna equipment is placed underground, no individual antenna exceeds three cubic feet in volume, the cumulative antenna volume on any single pole does not exceed nine cubic feet, the facility is located a minimum of 200 feet from any other wireless facility located along the same side of an arterial or collector street, and the facility is located at least 200 feet from any intersection along any arterial or collector street. See Chapter 17.795 of the Brentwood Municipal Code for more information related to wireless facilities permits.

### **Submittal Requirements**

No application will be accepted for processing until the information listed below is submitted to the satisfaction of the Community Development Department:

1. Completed Applications, signed by the property owner. Alternatively, as in the case of public property, a letter of authorization from the property owner will suffice in lieu of signature.
2. Application fee(s) as shown on the Universal Application.

3. Evidence of prior regulatory approvals showing that the applicant holds all current licenses and registrations from the FCC and proof of prior local regulatory approvals.
4. Site development plan and elevation drawings prepared by a California-licensed engineer.
5. Specifications showing the height, width, depth, and weight of all proposed equipment.
6. Photographs and photo simulations showing the proposed facility in the context of the site and a map showing the photo location of each view angle.
7. RF exposure compliance report prepared by a certified RF engineer certifying compliance of the proposed and collocated facilities with applicable federal RF exposure standards and exposure limits.
8. Written statement of purpose.
9. Written statement explaining whether and why Section 6409(a) and related FCC regulations require approval of the specific project.
10. Alternative sites analysis listing all existing structures considered as alternatives to the proposed location and an explanation of why the alternatives were unacceptable, infeasible, unavailable, or inconsistent with development standards.
11. Noise study prepared and certified by an engineer for the proposed facility and all associated equipment.
12. Preliminary title report for the subject property, no more than three months old at the time of submittal.
13. For conditional wireless facilities permits, signage must be posted on the subject property in accordance with Chapter 17.800 of the Brentwood Municipal Code.
14. Flash drive containing all written documents in Word format and all maps/plans in PDF format.
15. Additional hard copies of the plans may be required once a hearing date has been determined.
16. Other information which is pertinent and/or which the Community Development Director may require all applicants to furnish, by general policy.

### **Required Meetings**

Prior to application submittal, applicants must schedule and attend a pre-application meeting with staff for all facilities proposed on poles, vacant properties, or in residential zones. This meeting will determine whether the application may appropriately be qualified for a 6409(a) collocation/modification permit. Additionally, applicants must schedule an application submittal appointment for submittal of each wireless facilities permit application. Although only one application may be accepted per appointment, successive appointments may be scheduled.

### **Processing Time**

Wireless facilities applications are processed in accordance with all limits established by federal statute.

### **Public Hearings Required**

Conditional wireless facilities permits require noticed public hearings before the Planning Commission. The City is responsible for providing applicable notices to all property owners within 300 feet of the project site, as well as publication in the local newspaper, no less than 10 days from the date of the hearing. Administrative and accessory wireless use permits are administrative procedures that do not require public notice.

### **Appeal Process**

Decisions made by staff or the Planning Commission are subject to appeal, in accordance with Chapter 17.880 of the Brentwood Municipal Code. In general, decisions of staff become effective 10 days after they are made. Any affected party may appeal a decision made by staff to the Planning Commission by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the Planning Commission also become effective 10 days after they are made. Any affected party may appeal a decision of the Planning Commission to the City Council by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the City Council are final.



# Wireless Facilities Application

Planning Division

Effective: January 1, 2017

Revised: January 1, 2017

|  |   |                                |                            |
|--|---|--------------------------------|----------------------------|
| <b>Applicant/Agent:</b>  |   | <b>Carrier:</b>                |                            |
| <b>Applicant Address:</b>  |   | <b>City:</b>                   |                            |
| <b>State:</b>  |   | <b>Zip Code:</b>               |                            |
| <b>Applicant Phone #:</b>  |   | <b>Applicant Email:</b>        |                            |
| <b>Date of Pre-Application Meeting:</b>  |   |                                |                            |
| <b>Date of Application Appointment:</b>  |   |                                |                            |
| <b>Project Address:</b>  |   | <b>APN:</b>                    |                            |
| <b>Property Owner:</b>   |   |                                |                            |
| <b>Site Owner:</b>   |   |                                |                            |
| <b>Proposed Project Includes: (check all that apply)</b>   |   |                                |                            |
| <input type="checkbox"/>   | <b>Antennas</b>   | <b>Maximum Antenna Height:</b> | <b>Number of Antennas:</b> |
| <input type="checkbox"/>   | <b>Site on City-owned property</b>                          |                                |                            |
| <input type="checkbox"/>   | <b>Site of private property - commercial</b>                |                                |                            |
| <input type="checkbox"/>   | <b>Site on private property - residential</b>               |                                |                            |
| <input type="checkbox"/>   | <b>Site on the public right-of-way (street or easement)</b> |                                |                            |
| <input type="checkbox"/>   | <b>Other:</b>   |                                |                            |
| <b>Is the applicant familiar with BMC Sections 17.790 and 17.795?</b>  |   | <b>Yes</b>                     | <b>No</b>                  |
| <b>Is a new site proposed, or is the project part of an existing site?</b>   |   | <b>New</b>                     | <b>Existing</b>            |
| <b>Is the applicant seeking approval of the project under Section 6409(a) of the Middle Class Tax Relief Act of 2012?</b>                            |   | <b>Yes</b>                     | <b>No</b>                  |
| <b>Does the application involve the collocation, removal or replacement of transmission equipment on an existing wireless tower or base station?</b> |   | <b>Yes</b>                     | <b>No</b>                  |
| <b>Would the proposed changes constitute a substantial change?</b>   |   | <b>Yes</b>                     | <b>No</b>                  |
| <b>Was the support structure constructed or modified with all required approvals at the time of construction or modification?</b>                    |   | <b>Yes</b>                     | <b>No</b>                  |
| <b>Does the application involve replacement of the entire support structure?</b>   |   | <b>Yes</b>                     | <b>No</b>                  |
| <b>Applicant Signature:</b>  |   | <b>Date:</b>                   |                            |
| <b>Name of Property Owner:</b>   |   | <b>Signature:</b>              |                            |

**Indicate which of the following submittal materials are included with this application:**

**Completed Universal Application**

**The necessary application fee(s) as shown on the Universal Application.**

**Evidence of prior regulatory approvals showing that the applicant holds all licenses and registrations from the FCC and proof of prior regulatory approvals\***

**Site development plan and elevation drawings prepared by a California – licensed engineer.**

**Specifications showing the height, width, depth, and weight of all proposed equipment.**

**Photographs and photo simulations showing the proposed facility in the context of the site and a map showing the photo location from each view angle.**

**RF exposure compliance report prepared by a certified RF engineer certifying compliance of the proposed and collocated facilities with applicable federal RF exposure standards and exposure limits.**

**Written statement of purpose including a description of the technical objectives, a map identifying the targeted service area, the number of affected users in the service area, and full-color signal propagation maps.**

**Section 6409(a) justification analysis explaining whether and why approval of the specific project is required.\***

**Alternative sites analysis listing all existing structures considered as alternatives to the proposed location and an explanation of why the alternatives were unacceptable, unfeasible, or inconsistent with development standards.**

**Noise study prepared and certified by an engineer for the proposed facility and all associated equipment.**

**Preliminary title report for the subject property, no more than three months old.**

**Flash drive containing all written documents in Word format and all maps/plans in PDF.**

**\*Required for 6409(a) applications only.**